

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED JAN 17 2007 JOHN F. CORCORAN, CLERK BY: <i>[Signature]</i> DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OTIS ANTONIO SMITH, Petitioner,)	Civil Action No. 7:06cv00391
)	
)	<u>ORDER</u>
v.)	
)	
UNITED STATES OF AMERICA, Respondent.)	By: Samuel G. Wilson
)	United States District Judge

In accordance with the Memorandum Opinion entered this day, an evidentiary hearing is hereby **ORDERED** on the issue of whether Smith requested his attorney to file an appeal.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 17th day of January, 2007.

[Signature]

United States District Judge